

REMARKS

In the Office action, the drawings were objected to for not showing the features of claim 7; claims 2-5, 10-20, 23-25, 27, 30-34, 36 and 37 were objected to for the term "toggle"; claim 27 was objected to as being inconsistent with its independent claim 21; claims 10, 11, 13, 14, 16, 18, 19, 21, 23, 24, 26, 28, 30 and 31 were rejected as anticipated by Kowal; claims 1-8, 12, 17, 22, 25, 32 and 35-37 were rejected as being unpatentable over Kowal in view of Sugiyama; claims 27 and 33 were rejected as being unpatentable over Kowal in view of Trickle; claims 15, 20 and 29 were rejected as being unpatentable over Kowal in view of Schwarz; and claim 9 was rejected as being unpatentable over Kowal in view of Sugiyama and Schwarz.

As to the statement regarding a line of demarcation between the present application and its parent 10/374,026 the Examiner's attention is respectfully directed to the subject matter of the independent claims in which for the parent application the claims are drawn to a two ferrule tube fitting, whereas in the present application the claims are directed to a tube fitting that comprises a ferrule, which of course can be one ferrule of a two or more ferrule system or a single ferrule tube fitting.

As to the objection to the drawings, the Examiner's attention is respectfully directed to Fig. 20 of the instant application which illustrates a substantially continuous cylindrical interior wall 150' and a curved convex driven surface 129'. The specification notes that the convex surface can be used with a ferrule configuration that omits the recess (last sentence of paragraph 68). The geometry of the ferrule still provides for the toggle-like hinging action and colleting effects without the recess in the cylindrical interior wall.

As to the objection to the phrase "toggle-like hinging action", Applicants must respectfully disagree with the position of the Office. The Office action indicates that the word "toggle" means to move back and forth repeatably. Applicants are unaware of a dictionary definition of toggle that requires repeatable back and forth movement. Certainly repeatable movement can be a feature of some toggle designs, but actual repeatable movement is not a requirement of the ordinary definition of the term. For example, a 'toggle bolt' is a device with a toggle-like movement that generally is used one time, such as to hang an object from a wall. It is

respectfully submitted that the word 'toggle' in its ordinary meaning does not require repeated movement back and forth but rather aptly describes the type of movement, and therefore the objection is traversed and reconsideration is respectfully requested. If the Office continues to believe that the ordinary definition of toggle is as stated in the Office action (i.e. requiring repeatable back and forth movement), the Examiner is respectfully requested to provide the dictionary source on which that position is based.

As to the rejections on the merits, the Kowal reference is noteworthy in that the swage surface 39 is axially distant from the biting edge 29. This is because the Kowal device is a unitary member that is actually designed to function like a two ferrule tube fitting. In any event, it is not apparent in any manner how the Kowal device could be used to produce a swage region of the nose portion 27 adjacent or next to the bite. Accordingly the independent claims have been amended to recite that the collet region of the nose portion is adjacent or next to the forward edge that penetrates the tube end.

In Kowal, the portion 24 is most definitely not a collet region. The numeral 24 actually designates the ferrule itself, not any particular portion of the ferrule, but presumably the Office action was directing attention to the central cylindrical portion of the ferrule. This portion of the ferrule does not collet and does not inwardly hinge at the nose portion next to the front edge. Rather, the Kowal ferrule inner cylindrical wall 24 will bow outwardly if it bends at all. If the region 24 colleted there would be no need for the swage 39. The front edge of the ferrule is deformed inwardly as in any conventional bowing ferrule, but there is no radially inward deformation to collet the tube end.

With respect to the Sugiyama reference, Applicants must respectfully disagree with the Office. Sugiyama relates to hardening the nose of the rear ferrule in a two ferrule system. There is no suggestion to case harden the entire rear ferrule, nor would the conventional geometry shown in that reference provide a hinging action with the radially inward collet. Moreover, there would be no suggestion to case harden the front ferrule.

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With respect to the Trickle reference, the undercut 258 merely causes the front end to more easily bow so as to drive the front end 252 into the tube. There is no radially inward hinging to cause a collet portion to grip the tube end next to the bite. It appears to be similar to Kowal in that the ferrule is a conventional outwardly bowing ferrule.

The present application is deemed to be in proper condition for allowance and favorable action is requested.

Respectfully submitted,

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